

REMARKS

By this Amendment, claims 1-20 are amended merely to clarify the recited subject matter and correct grammatical inconsistencies. After entry of this Amendment, claims 1-20 will remain pending.

The Office Action indicated that dependent claims 4, 5, 14, and 15 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. The Applicant has so rewritten those claims and respectfully submits that the claims are now allowable. The Office Action objected to claim 4 because of a formality therein; the Applicant has amended claim 4 to recite "one of the amplifiers."

The Office Action rejected claims 1-3, 6-13, and 16-20 under 35 U.S.C. § 102(b) as being anticipated by Kotzin (U.S. Patent No. 5,455,962, "Kotzin"). Applicants traverse the rejection because Kotzin fails to teach or suggest all the features recited by the claims.

In particular, Kotzin fails to teach or suggest a data transmission method comprising, inter alia, "selecting from the antennas, which transmitted the signal that exceeded the threshold, an antenna or antennas to continue transmission of the signal to said subscriber terminal, or selecting from the transmission directions, from which the signal that exceeded the threshold were received, a transmission direction or directions, in which to continue transmission of the signal to said subscriber terminal," as recited by claim 1 and its dependent claims. Similarly, Kotzin fails to teach or suggest a data transmission method comprising, inter alia, "when only one signal exceeds the threshold, sending to the base station, which transmitted the signal that exceeded the threshold, a command to use, when transmitting a signal to said subscriber terminal, the antenna with which the signal that exceeded the threshold was transmitted, or the transmission direction in which the signal that exceeded the threshold was transmitted," as recited by claim 2 and its dependent claims.

Moreover, Kotzin fails to teach or suggest a radio system wherein, inter alia, "the base station comprises a means which selects from the antennas, which transmitted the signal that exceeded the threshold, an antenna or antennas with which to continue to transmit the signal to said subscriber terminal, or the means selects from the transmission directions of the signal, which exceeded the threshold, a transmission direction or directions in which the base station continues to transmit the signal," as recited by claim 11 and its dependent claims. Similarly, Kotzin fails to teach or suggest a radio system wherein, inter alia, "when only one signal exceeds the threshold, the subscriber terminal sends to the base station, which

transmitted the signal that exceeded the threshold, a command to use, when transmitting a signal to said subscriber terminal, the antenna with which the signal that exceeded the threshold was transmitted, or the transmission direction in which the signal that exceeded the threshold was transmitted,” as recited by claim 12 and its dependent claims.

Kotzin merely teaches a half-hopping format for applying frequency hopping within GSM systems. In the half-hopping format, the uplink is in a frequency hopping format while the downlink does not hop. Kotzin teaches that the base station switches the transmission from one antenna to another according to quality information received from a user terminal as long as the signal quality exceeds a quality threshold (col. 6, lines 14-22). In other words, Kotzin teaches that the base station stops transmission using one antenna and starts transmission using another antenna.

On the contrary, in the claimed invention, the user terminal's feedback information is used quite differently. The user terminal informs the base station which signals exceeded the threshold, and the base station continues transmitting using the antennas which transmitted those signals (see, e.g., claim 1). Unlike Kotzin, there is no continuous switching from one antenna to another. Instead, certain antennas are selected to continue transmission. Additionally, in the claimed invention, the user terminal may also inform the base station of the transmission directions from which the signals exceeding the quality threshold were transmitted. However, Kotzin does not in any way teach or suggest this feature.

Accordingly, Kotzin fails to teach all the features recited by the rejected claims. As a result, Kotzin cannot anticipate any of claims 1-3, 6-13, and 16-20. At least for this reason, therefore, the Applicant respectfully requests reconsideration and withdrawal of the rejection. Moreover, as best understood, none of the references of record teach the combination of elements recited by claims 1-3, 6-13, and 16-20. As such, none of these claims are rendered unpatentable by the references of record.

All rejections and objections having been addressed, it is respectfully submitted that the present application is now in condition for allowance, and a notice to that effect is earnestly solicited. Should there be any questions or concerns regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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